

1 Mark Mackin
2 305 Third Avenue, Suite 209
3 Havre, Montana 59501
4 Telephone: (406) 265-4405
5 Fax: (406) 262-9872

FILED

FEB - 5 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

7 IN THE SUPREME COURT OF THE STATE OF MONTANA

8 Supreme Court Cause No. HA 10-0054

10 STATE OF MONTANA,
11 Plaintiff,

11 v.

12 GLEN D. SPOTTED EAGLE, SR.,
13 Defendant.

NOTICE OF APPEAL

14
15 NOTICE is given that Glen D. Spotted Eagle, Sr., the Defendant in that cause of
16 action filed in the Twelfth Judicial District, in and for the county of Hill, as Cause No.
17 DC-09-045, hereby appeals to the Supreme Court of the State of Montana from the final
18 judgment or order entered in such action on the 7th day of December, 2009, and the
19 Denial of his Motion for New Trial.

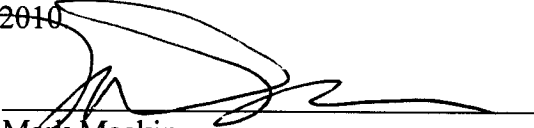
20
21 THE APPELLANT FURTHER CERTIFIES:

- 22 1. That this appeal is not subject to the mediation process required by
23 M.R.App.P.7.
24 2. That this appeal is not an appeal from an order certified as final under
25 M.R.Civ.P.54(b).
26 3. There is no challenge to the constitutionality of any act of the Montana
27 Legislature.
28 4. That all available transcripts of the proceedings in this cause have been

ordered from the court reporter contemporaneously with the filing of this notice of appeal.

5. That included herewith is the Affidavit of Inability to Pay Filing Fees and Other Costs and Order filed January 15, 2010 in the 5th Judicial District Court in Jefferson County.
6. That the Defendant has been detained since January 15th, 2010, and his financial circumstances probably remain the same.
7. That he is in transit to his commitment, and is unavailable to file an affidavit specific to this notice of appeal, hence the inclusion of the Affidavit filed in Jefferson County.

DATED this 4th day of February, 2010


Mark Mackin
Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that I have filed a true and accurate copy of the foregoing NOTICE OF APPEAL with the Clerk of the Montana Supreme Court and that I have served true and accurate copies of the foregoing NOTICE OF APPEAL upon the Clerk of the District Court, each attorney of record, each court reporter from whom a transcript has been ordered, and each party not represented by an attorney in the above-referenced District Court action, as follows:

Gina Dahl
Hill County Attorney
Hill County Attorney's Office
315 4th Street
Havre, MT 59501

Stacy Baldwin
Court Reporter
12th Judicial District Court
315 4th Street
Havre, MT 59501

Dena Tippets
District Court Clerk
12th Judicial District Court
315 Fourth Street
Havre, MT 59501

DATED this 4th day of February, 2010.


Pamela Nilsen, Office Manager

FILED

JAN 25 2010

MARILYN A. CRAFT Court Clerk
Deputy

Name: Glen D. Spotted Eagle
Address: P.O. Box 176, Bill County Rehabilitation Center
City, State, Zip Code: Havre MT 59501
Telephone number: (406) 215-2512

MONTANA FIFTH JUDICIAL DISTRICT COURT, JEFFERSON COUNTY

Felicia A. Spotted Eagle

Plaintiff/Petitioner,

vs.

Glen D. Spotted Eagle

Defendant/Respondent.

Cause No. DR-09-33

AFFIDAVIT OF INABILITY TO PAY
FILING FEES and OTHER COSTS
and
ORDER

AFFIDAVIT

STATE OF MONTANA }
County of Jefferson } ss.

- I, Glen D. Spotted Eagle, being first duly sworn, upon oath depose and say:
1. I am the plaintiff/petitioner/defendant/respondent in the above-entitled proceeding.
 2. I have a good cause of action and am unable to pay the costs or to procure security to secure the same.
 3. My true financial situation is reported on the attached indigence questionnaire.

Dated: January, 15, 2010.

Glen D. Spotted Eagle
AFFIANT

SUBSCRIBED AND SWORN TO before me this 15th day of JANUARY, 2010.



Gloria Meland
Notary Public for the State of Montana
Residing at Havre
Commission expires 2-10-2013

ORDER

Application to waive fees is ☒ granted ☐ denied.

Dated: January 20, 2010

[Signature]
DISTRICT JUDGE

DISTRICT JUDGE

INDIGENCY QUESTIONNAIRE

You must provide information about your financial situation so that the Judge can determine whether you are entitled to have your filing fees waived. Use care in answering the questions. You could be prosecuted for false swearing if you knowingly give false or misleading information.

Name: Glen D. Spotted Eagle Dependents:
Address: POB 176 Hill County Detention Center Name Glen Spotted Eagle Jr. Age 9yrs Relationship Son
Haute, MT 59501
Telephone: (406) 265-2512
Marital status: Single ☐ Married ☒ Separated ☐ Divorced ☐

EMPLOYMENT STATUS AND EARNINGS

- Are you employed? Yes ☐ No ☒
If Yes, by whom? N/A Monthly income: _____
Address: _____
Job Title: _____ Supervisor's Name: _____
Monthly take-home pay is \$ _____
- Do you receive child support? Yes ☐ No ☒
Amount per month: \$ _____
- Do you or your family currently receive public assistance (i.e. WIC, Food Stamps, AFDC, SSI, etc.) or unemployment compensation? Yes ☐ No ☒

Description	Monthly Amount
<u>N/A</u>	\$ _____
_____	\$ _____
- Other source(s) of income (i.e. Social Security, rental income, retirement income, etc.)

Description	Monthly Amount
<u>N/A</u>	\$ _____
_____	\$ _____

ASSETS

- Home or other land:

Description	Value
<u>N/A</u>	\$ _____
_____	\$ _____
- Motor vehicles and/or mobile home:

Description	Value
<u>N/A</u>	\$ _____
_____	\$ _____
_____	\$ _____

- | Description | Value |
|-------------|-------|
| N/A | \$ |
| | \$ |
| | \$ |

Type of Account & Institution	Value
N/A	\$
	\$

Description	Value
N/A	\$
	\$

Rent or mortgage payment:	\$ <u>N/A</u>	Telephone:	\$ <u>N/A</u>
Car payment:	\$ <u> </u>	Utilities:	\$ <u> </u>
Car insurance:	\$ <u> </u>	Gasoline:	\$ <u> </u>
Child support &/or child care:	\$ <u> </u>	Health insurance:	\$ <u> </u>
Clothing (include diapers):	\$ <u> </u>	Medical/dental:	\$ <u> </u>
Food:	\$ <u> </u>	Court fines, etc.:	\$ <u> </u>
Other: <u> </u>	\$ <u> </u>	Other: <u> </u>	\$ <u> </u>
Total monthly expenses:	\$ <u> </u>		

To Whom Owed	Amount
W/A	\$
	\$
	\$

Handwritten Signature
Sign

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Ed Smith

CLERK OF THE SUPREME COURT
STATE OF MONTANA

10-0054

Mark Mackin
305 Third Avenue, Suite 209
Havre, Montana 59501
Telephone: (406) 265-4405
Fax: (406) 262-9872

MONTANA TWELFTH JUDICIAL DISTRICT COURT, HILL COUNTY

STATE OF MONTANA,
Plaintiff,

v.

GLEN D. SPOTTED EAGLE, SR.,
Defendant.

Cause No. DC-09-045

NOTICE OF TRANSCRIPTS
DEEMED NECESSARY FOR
APPEAL

Notice is given that counsel for Glen D. Spotted Eagle, Sr., The Defendant, in the above-named case, hereby determines the following transcripts are necessary for appeal:

☐ No transcripts are necessary

☐ Jury Voir Dire

☒ Opening Statements

☒ Closing Arguments

☒ Trial Proceedings (all testimony, in-chambers discussions, and jury verdict)

☒ Pre-Trial Proceedings (specify by description and date of proceeding)

Hearing on Motion in Limine

☒ Post-Trial Proceedings

Hearing on Motion for new trial


☐ Other

☐ The following transcripts have been previously prepared and are deemed necessary on appeal and counsel requests the court reporter prepare such transcripts in the proper format for filing with the Supreme Court and service on Appellee.

The court reporter responsible for the preparation of these transcripts is Stacy Baldwin.

2 It is further certified that financial arrangements were made with the court reporter before
3 filing this Notice.

4 DATED this 4th day of February, 2010.

5
6
7 
Mark Mackin
Attorney for Defendant
8

9 CERTIFICATE OF SERVICE

10 I hereby certify that I have filed a true and accurate copy of the foregoing NOTICE OF APPEAL with the
11 Clerk of the Montana Supreme Court and that I have served true and accurate copies of the foregoing NOTICE OF
12 APPEAL upon the Clerk of the District Court, each attorney of record, each court reporter from whom a transcript
has been ordered, and each party not represented by an attorney in the above-referenced District Court action, as
follows:

13 Gina Dahl
14 Hill County Attorney
15 Hill County Attorney's Office
315 4th Street
Havre, MT 59501

16 Stacy Baldwin
17 Court Reporter
12th Judicial District Court
315 4th Street
18 Havre, MT 59501

19 Dena Tippetts
20 District Court Clerk
12th Judicial District Court
315 Fourth Street
21 Havre, MT 59501

22 DATED this 4th day of February, 2010.

23 
Pamela Nilsen, Office Manager
24
25
26
27
28

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STATE OF MONTANA

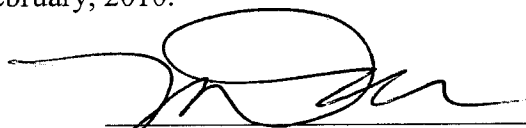
10-0054

7 MONTANA TWELFTH JUDICIAL DISTRICT COURT, HILL COUNTY

8
9 STATE OF MONTANA,)
Plaintiff,) Cause No. DC-09-045
10 v.)
11 GLEN D. SPOTTED EAGLE, SR.,) NOTICE OF APPEAL
12 Defendant.)
13

14 Defendant, by and through his counsel, hereby gives notice that he appeals, both
15 his conviction and his denial of motion for new trial in the above-captioned cause to the
16 Supreme court of the State of Montana.

17 DATED this 4th day of February, 2010.

18
19 
20 Mark Mackin
21 Attorney for Defendant

22 **CERTIFICATE OF SERVICE**

23 This is to certify that a copy of
24 the foregoing was duly served upon opposing
25 counsel of record this 4th day of
February, 2010,
26 by fax, mail, ☒ hand delivery.
LAW OFFICE OF CARL WHITE
By Carla White
27 TO: Co. Atty.
28